

**County of Loudoun**  
**Department of Planning**  
**MEMORANDUM**

**DATE:** June 16, 2009

**TO:** Jane McCarter, Project Manager  
Land Use Review

**FROM:** Kelly Williams, Planner  
Community Planning

**SUBJECT: ZCPA 2009-0001 Falcons Landing**

**BACKGROUND**

The applicant, the Air force Retired Officers Community-Washington DC, is requesting a Zoning Concept Plan Amendment to eliminate a portion of a proffered pedestrian trail. The current zoning of the property is PD-H4 (Planned Development-Residential) and is administered under the 1993 Zoning Ordinance.

The site subject to this application is a 2.1 acre parcel that was rezoned and granted a special exception approval for an assisted living facility, a convenience store and a gas station (West Falls, ZCPA 2000-0007/SPEX 2000-27). The West Falls development is located on the south side of Algonkian Parkway, approximately one quarter mile east of the intersection of Cascades Parkway and Algonkian Parkway.

The assisted living site is bordered to the north by retail and commercial uses (gas station/convenience store), to the west by a church, and to the east and south by residential uses. As part of the previous approvals, a pedestrian trail was proposed to connect the assisted living facility to the existing Falcon's Landing retirement facility. Both the assisted living facility and the Falcon's Landing facility are separate gated communities which are completely fenced along their boundaries

A review of County GIS records indicates that minor floodplain, steep slopes, forest cover and wetlands are present in the location of the proffered trail.

Vicinity Map



### COMPLIANCE WITH THE COMPREHENSIVE PLAN

The site is governed under the policies of the Revised General Plan, the Loudoun County Bicycle and Pedestrian Mobility Master Plan (Bike/Ped Plan), and the Revised Countywide Transportation Plan (Revised CTP).

The proposed application has been reviewed under the Revised General Plan Suburban Policies of Chapter 6; the Green Infrastructure policies of Chapter 5, and the Design Guidelines in Chapter 11, for residential uses in the Suburban Policy Area. The policies of Chapter 4, Recommended Policies and Guidelines, of the Bike/Ped Plan were also applied to this application.

### ANALYSIS

The subject site is located in the Potomac Community within the Suburban Policy Area. It is planned for Residential uses (Revised General Plan, Chapter 7, Planned Land Use Map). The County's overall land-development strategy is to encourage compact, mixed-use developments that provide people with the opportunity to live, work, recreate and shop in a pedestrian-friendly environment (Revised General Plan, Chapter 6, Residential, text). The Bike/Ped Plan emphasizes the importance of providing pedestrian access to and through developments, connections to adjacent developments and circulation with the community (Bike/Ped Plan, Chapter 4, Land Development, text).

When this site was developed, it was envisioned that a trail would be provided along the western boundary of the West Falls development to provide an internal connection between the two Falcon's Landing facilities and the townhouses to the south. Over time, it has been identified that this trail is not desirable, as both facilities are gated and the residents were not interested in the connection. Further, the adjacent residential

development to the south is an established neighborhood and according to the applicant, is not interested in the trail connection. Sidewalks are provided along the road frontages of the sites that provide pedestrian connections to all the adjacent facilities. While the Plan encourages internal connections between developments, it appears that the internal trail connection between the gated communities is not necessary and would be underutilized by the community.

Further, the proffered trail crosses the property in a location that would result in the disturbance of the Green Infrastructure elements. The Green Infrastructure is a collection of natural, cultural, heritage, environmental, protected, passive, and active resources that are integrated into a related system. The County uses integrated management strategies for the Green Infrastructure to ensure that all land use planning and development respect and preserve the holistic nature of the elements of the Green Infrastructure (Revised General Plan, Chapter 5, Green Infrastructure Policies, policy 2). As stated above, there are significant Green Infrastructure elements that would be affected by this trail connection. This includes disturbance to minor floodplain, steep slopes, forest cover and wetlands. The following pictures show the established areas that would be disturbed by the construction of the trail.



Given that the trail is not desired by the residents in the facilities or the adjacent communities, disturbance of these environmental features may be unjustifiable. Allowing the elimination of the trail would better protect the existing natural resources on-site.

### **RECOMMENDATIONS**

The proposed concept plan amendment application to eliminate the proffered trail complies with the planned Residential polices of the Revised General Plan existing pedestrian linkages provide adequate access to the adjacent properties. Further, eliminating the trail would protect significant environmental features from disturbance related to grading and trail construction. Staff recommends approval of the application.

Cc: Julie Pastor, AICP, Planning Director  
Cindy Keegan, AICP, Program Manager, Community Planning, via e-mail

**COUNTY OF LOUDOUN**

**DEPARTMENT OF BUILDING AND DEVELOPMENT**

**ZONING ADMINISTRATION REFERRAL**

**DATE:** August 17, 2009

**TO:** Jane McCarter, Project Manager, Department of Planning

**FROM:** Rory L. Toth, Planner, Zoning Administration

**CASE NUMBER & NAME:** ZCPA-2009-0001 Falcons Landing 2nd Submission

**TAX MAP (LCTM) & PARCEL NUMBER (MCPI):** LCTM /81/V11//I1B2  
MCPI: 011-47-2338

Staff has reviewed the referenced zoning concept plan amendment (ZCPA) application to include the materials listed on the Department of Planning Memorandum transmittal sheet dated August 12, 2009. The property is currently zoned PD-H4 (Planned Development-Housing-4), administered as PD-CC-CC (Planned Development-Commercial Center-Community Center), under the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance). The Applicant is requesting to delete Proffer V.D and remove the requirement of an off-site pedestrian trail shown on the Concept Development Plan (CDP), approved with zoning concept plan amendment and special exception ZCPA-2000-0007/SPEX-2000-0024. Staff has the following comments on the proposal as outlined below.

**A. PROFFERS**

1. **Introductory Paragraph and Proffer I. Concept Development Plan.** Staff recommends that the references to Proffer VD in the Introductory Paragraph and Proffer I. Concept Development Plan be revised to read "Proffer V.D." In addition, Staff recommends that a date be added to the CDP and that the ending sentence in Proffer I. Concept Development Plan be revised to state "the ZCPA Concept Plan, prepared by Hardy Lister, dated (*insert date*).

**COUNTY OF LOUDOUN**

**DEPARTMENT OF BUILDING AND DEVELOPMENT**

**ZONING ADMINISTRATION REFERRAL**

**DATE:** May 26, 2009

**TO:** Jane McCarter, Project Manager, Department of Planning

**FROM:** Rory L. Toth, Planner, Zoning Administration

**CASE NUMBER & NAME:** ZCPA-2009-0001 Falcons Landing 1<sup>st</sup> Submission

**TAX MAP (LCTM) & PARCEL NUMBER (MCPI):** LCTM /81/V11//I1B2  
MCPI: 011-47-2338

Staff has reviewed the referenced zoning concept plan amendment (ZCPA) application to include the materials listed on the Department of Planning Memorandum transmittal sheet dated May 4, 2009. The property is currently zoned PD-H4 (Planned Development-Housing-4), administered as PD-CC-CC (Planned Development-Commercial Center-Community Center), under the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance). The Applicant is requesting to delete Proffer V.D and remove the requirement of an off-site pedestrian trail shown on the Concept Development Plan (CDP), approved with zoning concept plan amendment and special exception ZCPA-2000-0007/SPEX-2000-0024. Staff has the following comments on the proposal as outlined below.

**A. ZONING ORDINANCE COMMENTS**

1. Staff questions why the property owner of PIN 011-37-3579 is not party to this application as the proffered trail to be removed with this application is partially located on this property. Revise the application accordingly. In addition, Staff notes that the property owner of PIN 011-48-2317 is the same property owner of the property associated with this application, however, PIN 011-48-2317 must also be listed as a parcel which is party to this application as it also contains a portion of the trail that is proposed to be removed with this application.
2. **Section 4-1500. Floodplain Overlay District.** Staff notes that the subject property contains minor floodplain and is subject to the regulations listed in Section 4-1500 and must be so noted on the CDP.
3. **Section 5-1508 Steep Slopes.** Staff notes that PINs 011-37-3579 and 011-48-2317 contain moderately steep slopes (slopes 15%-25%) and very steep slopes (slopes greater than 25%) and are subject to the performance standards listed therein and must be so noted on the CDP.

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## **B. CONCEPT DEVELOPMENT PLAN ISSUES**

1. Amend the title of the application on Sheet 1 of the CDP to reflect the purpose of this current proposal and remove the references to expansion of assisted living/Alzheimer's care & adult day care facilities.
2. Provide a legend on Sheet 2 for the CDP associated with ZCPA-2009-0001 which identifies the existing sidewalks.
3. Add a note to the CDP clarifying that the property is zoned PD-H4, administered as PD-CC-CC, under the Revised 1993 Loudoun County Zoning Ordinance.

## **C. ISSUES FOR CONSIDERATION SECTION 6-1211(E)**

1. **Section 6-1210(E) (7).** Regarding Item 7, Staff notes that the Applicant indicated in their Statement of Justification (SOJ) that the proposed trail was never built due to resident resistance and the cost of construction. Staff recommends that the Applicant provide additional justification in their SOJ by explaining other options pedestrians may have to access Falcons Landing and the adult day care facility, to include facilities such as shuttle services, bus services and/or other sidewalks and/or trails. Provided these types of pedestrian and transportation facilities exist or will exist in the future, Staff notes that the removal of the trail from the proffers and the CDP will not have an adverse impact on pedestrian connectivity as there are other sidewalks and means of transportation in the vicinity between Falcons Landing and West Falls.
2. **Section 6-1210(E) (9).** Regarding Item 9, Staff notes the proffered location of the trail is located within moderately steep and very steep slope areas and minor floodplain. Staff notes that a floodplain alteration FPAL-2001-0007 was approved on April 4, 2001 to permit an asphalt trail in minor floodplain and a bridge crossing of a stream on the subject property. Removal of the proffered trail from this location will remove the impacts to these environmental features.
3. **Section 6-1210(E) (16).** Regarding Item 6, see Comment #2, Section C above.

## **D. PROFFERS**

Staff notes that the Applicant has not provided a revised proffer statement with the specific language they wish the Board of Supervisors to delete and an opening paragraph with proffer language which states which proffers will remain in full force and effect with respect to the subject property. Staff also requests that the Applicant provide an updated proffer analysis of the proffers approved with the Falcons Landing development to Susan Glass, Proffer Manager.

Pursuant to Section 6-1209(A), if there are any proffered conditions which the Applicant wishes to have considered with the application, they shall be submitted for staff review as part of the Applicant's response to the written report required by Section 6-1204(B). In no

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event shall the applicant's proposed statement of proffered conditions be submitted later than forty-five (45) calendar days prior to the scheduled public hearing before the Board of Supervisors. Nothing in this paragraph shall prevent the Board of Supervisors from approving an application subject to changes in proffers agreed to by an applicant at the public hearing so long as the change imposes a more restrictive standard and the ordinance adopted accurately reflects such changes.

Furthermore, pursuant to Section 6-1209(B), proffered conditions shall be signed by all persons having an ownership interest in the property and shall be notarized. Proffered conditions shall contain a statement that the owners voluntarily enter into the conditions contained therein.

The proffer statement must be written in a manner so that there is clarity in the proffers to allow for administration and enforcement. Pursuant to Section 6-1209(G), the Zoning Administrator shall be vested with all necessary authority on behalf of the Board of Supervisors to administer and enforce proffered conditions. Such authority shall include the ability to order, in writing, the remedy of any noncompliance with a proffered condition and the ability to bring legal action to ensure compliance including injunction, abatement, or other appropriate action or proceedings, as provided for in Section 6-500 of this Ordinance. Any person, group, company, or organization aggrieved by an interpretation of the Zoning Administrator may appeal such interpretation as defined by Section 6-1209(J) of this Ordinance.

cc: Mark Stultz, Deputy Zoning Administrator  
Susan Glass, Proffer Manager

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**County of Loudoun**  
**Office of Transportation Services**

**MEMORANDUM**



**DATE:** June 24, 2009

**TO:** Jane McCarter, Project Manager  
Department of Planning

**FROM:** Marc Lewis-DeGrace, Transportation Planner *MLDG*

**SUBJECT:** ZCPA 2009-0001 — Falcons Landing  
First Referral

**Background**

This Zoning Concept Plan Amendment (ZCPA) application requests the removal of a proffer requirement to construct an off-site pedestrian trail (Proffer V.D., ZCPA 2000-0007/SPEX 2000-0024) between the Falcons Landing and West Falls developments. Both projects are located south of Algonkian Parkway (Route 1582) between Cascades Parkway (Route 1794) and Potomac View Road (Route 637). A vicinity map is provided as *Attachment 1*, and a map depicting the location of the subject trail segment is provided as *Attachment 2*.

In 2000, the Applicant (The Air Force Retired Officer's Community-Washington, DC) purchased a 2.1 acre site adjacent to the existing Falcons Landing Campus and subsequently received zoning approval and constructed an assisted living facility (West Falls). The approved proffer statement (*Attachment 3*) contained a requirement to construct an off-site pedestrian trail connecting the two projects; the trail would run between the existing townhouse units (not part of Falcons Landing) on Morningside Terrace. The Applicant indicates that its request to remove the proffer requirement to construct this trail connection is based on community opposition and the fact that there is an alternative trail connection already in place between Falcons Landing and West Falls.

In its consideration of this application, The Office of Transportation Services (OTS) reviewed materials received from the Department of Planning on May 5, 2009, including (1) statement of justification (dated February 25, 2009), (2) a traffic statement (dated February 25, 2009), and (3) an annotated ZCPA plan set (dated April 30, 2009), all prepared by the Applicant.

**Existing, Planned and Programmed Transportation Facilities**

According to the Revised General Plan, this site is located within the Suburban Policy Area (Potomac Community). Major roadways serving the site are described below. OTS' review of existing and planned transportation facilities is based on the 2001 Revised Countywide Transportation Plan (2001 Revised CTP) and the 2003 Bicycle & Pedestrian Mobility Master Plan (2003 Bike & Ped Plan).

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**Algonkian Parkway (Route 1582)** is classified by the 2001 Revised CTP as a controlled access, median divided, urban and rural minor arterial with left- and right-turn lanes at all intersections. A grade-separated interchange is shared with Atlantic Boulevard at Route 7. The roadway is built to its ultimate condition as a four-lane divided (U4M/R4M) facility within a 120-foot right-of-way (ROW). In the vicinity of this site the road is a U4M. The 2003 Bike & Ped Plan classifies Algonkian Parkway as a "baseline connecting roadway" along which bicycle and pedestrian facilities are envisioned. Currently, there are multipurpose trails along either side of Algonkian Parkway in the vicinity of this site.

**Cascades Parkway (Route 1794)** is classified by the 2001 Revised CTP as a controlled access, median divided, urban major collector with left- and right-turn lanes at all at-grade intersections. There is a grade-separated interchange at Route 7. The roadway is currently built to its ultimate condition as a four-lane divided (U4M) facility within a 120-foot ROW. The 2003 Bike & Ped Plan classifies Cascades Parkway as a "baseline connecting roadway" along which bicycle and pedestrian facilities are envisioned. Currently, there are multipurpose trails along either side of Cascades Parkway in the vicinity of this site.

**Potomac View Road (Route 637)** is classified by the 2001 Revised CTP as a controlled access, median divided, rural major collector with left- and right-turn lanes all intersections. The roadway is currently built to its ultimate condition as a four-lane divided (R4M) facility within a 110-foot ROW. The 2003 Bike & Ped Plan classifies Potomac View Road as a "baseline connecting roadway" along which bicycle and pedestrian facilities are envisioned. Currently, there are multipurpose trails along either side of Potomac View Road in the vicinity of this site.

**Morningside Terrace** is a private roadway which provides access to the existing townhouse development from Potomac View Road. It is not part of the CTP network. The travelway of Morningside Terrace is approximately 20 feet wide; head-in parking is provided with approximately 11 bays along the travelway.

### **Review of Applicant's Traffic Statement**

The Applicant's traffic statement (*Attachment 4*) indicates that Morningside Terrace is the only street that would be impacted by this application, and states that the removal of the proffered trail construction requirement will not generate any additional vehicle trips nor create any safety issues.

### **Transportation Comments**

1. The first goal of the 2003 Bike & Ped Plan is to "develop a comprehensive walkway, bikeway and shared-use path network among residential neighborhoods, towns, workplaces, shopping centers, transit stations, historic districts, schools, libraries, recreation centers, parks, etc." (*Bike & Ped Plan p. 11*). Completion of the subject proffered trail is consistent with this goal.

2. In order to facilitate consideration of the applicant's request, the Applicant should provide a map depicting the existing trail network in the area in relation to the proffered trail, including the trail which the Applicant indicates already exists between Falcons Landing and West Falls. The map should also depict the location of fenced/secured areas that are only accessible to residents/users of each development.
3. The Applicant should also indicate whether there is any private bus or shuttle service that operates between Falcons Landing and West Falls and provide details as to the frequency of such service.

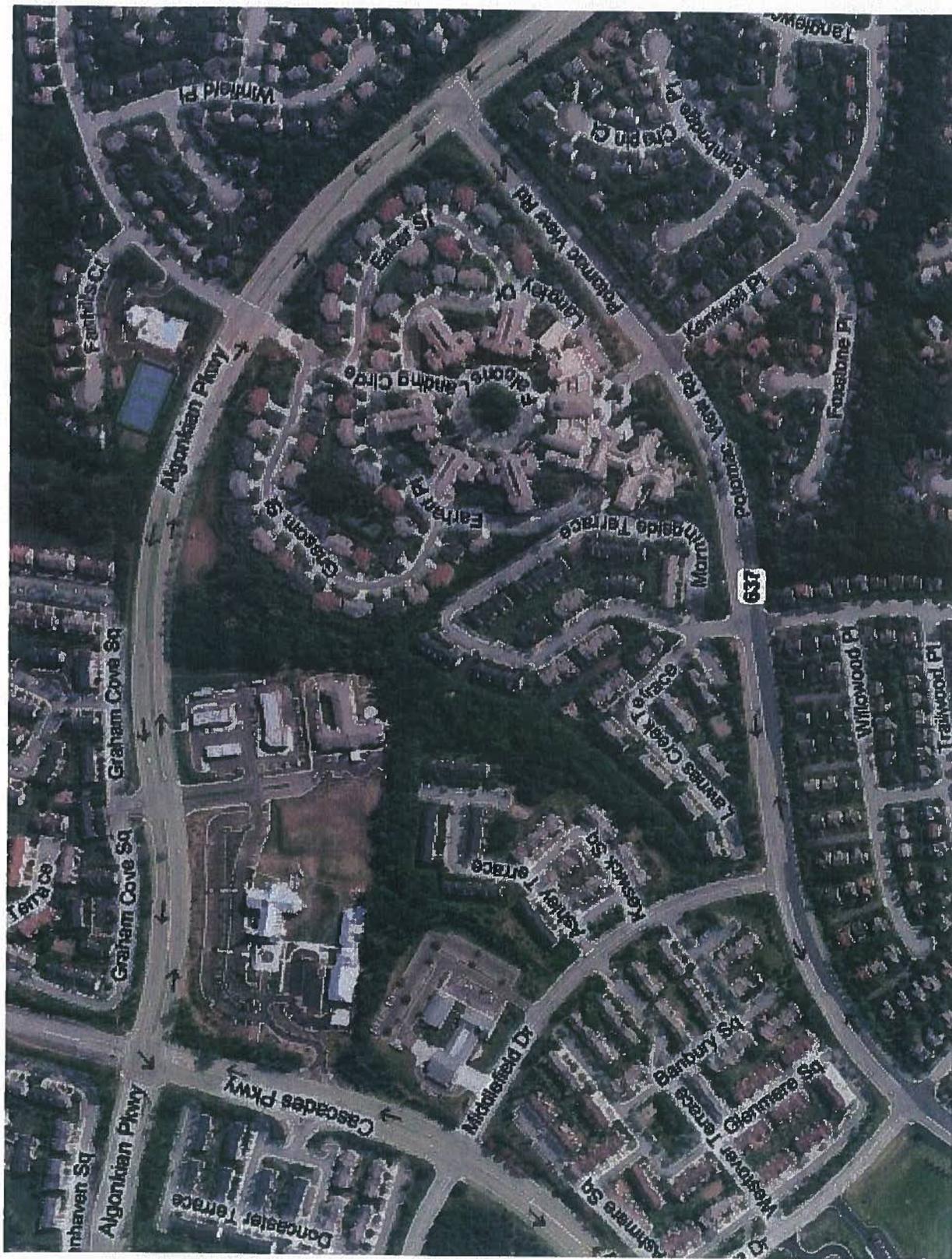
### **Conclusion**

**OTS looks forward to working with the Applicant to address the comments contained in this referral.**

### **ATTACHMENTS**

1. Site Vicinity Map
2. Map depicting location of subject trail segment
3. Proffer Statement for ZCPA 2000-0007/SPEX 2000-0024
4. Applicant's Traffic Statement

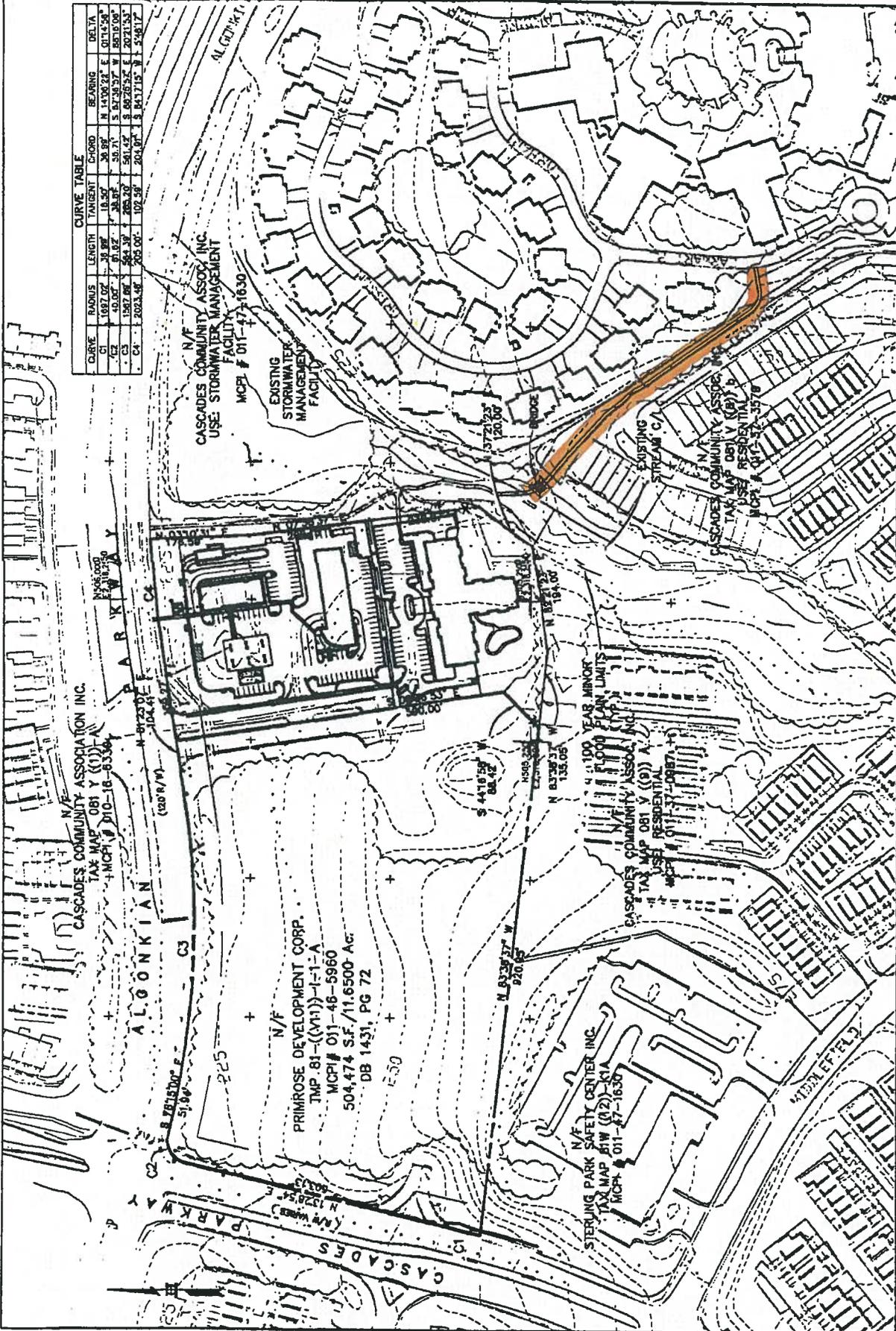
cc: Andrew Beacher, Assistant Director, OTS  
Lou Mosurak, Senior Transportation Planner, OTS



Source: MS Live Maps

ATTACHMENT I

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CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	103.00'	31.88'	18.50'	30.98'	N 143°22' E	011°15"
C2	40.00'	01.82'	08.85'	09.71'	S 82°28'37" W	88°03'08"
C3	130.26'	56.43'	289.70'	581.42'	S 60°28'52" E	202°11'53"
C4	202.34'	205.00'	102.59'	204.07'	S 84°17'15" E	5°48'17"

NOTE: THE BUILDING FOOTPRINT SHOWN IS FOR ILLUSTRATIVE PURPOSES ONLY. THE FINAL DESIGN WILL BE PROVIDED AT SITE PLAN STAGE OF DEVELOPMENT.

**SPECIAL EXCEPTION PLAT**

SCALE: 1" = 200'

NOTE: SEE SHEET 4 FOR 1"=30' SCALE PLAT.

**SEGMENT OF PROFFERED TRAIL**

**SUBJECT OF CURRENT APPLICATION**  
(ZCPA 2009-0001)

**PORTION OF APPROVED PLAT**  
ZCPA 2000-0007, SFEX 2000-0024

ATTACHMENT 2

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**Falcons Landing  
Expansion of Assisted Living/  
Alheimers Care & Adult Day Care Facilities**

*(ZCPA 2000-0007/SPEX 2000-0024)*

**~ PROFFER STATEMENT ~**

*November 28, 2000*

**ATTACHMENT 3**

**FALCONS LANDING  
EXPANSION OF ASSISTED LIVING/ALZHEIMERS  
AND ADULT DAY CARE FACILITIES**

**PROFFER STATEMENT  
(ZCPA 2000-0007/SPEX 2000-0024)**

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**EXHIBITS**

- EXHIBIT A:** CERTIFIED PLAT FOR PARCEL I-1-B, PREPARED BY BOWERS & ASSOCIATES, LTD., DATED JUNE 2000, AS REVISED NOVEMBER 28, 2000
- EXHIBIT B:** ZCPA/SPEX CONCEPT PLAN, PREPARED BY BOWERS & ASSOCIATES, LTD, DATED JUNE 2000, AS REVISED NOVEMBER 28, 2000
- EXHIBIT C:** ZONING MODIFICATIONS FOR PRIVATE STREET ACCESS

**FALCONS LANDING EXPANSION OF  
ASSISTED LIVING/ALZHEIMERS  
AND ADULT DAY CARE FACILITIES  
(ZCPA 2000-0007/SPEX 2000-0024)**

**PROFFER STATEMENT**

*November 28, 2000*

**PREAMBLE**

Pursuant to Section 15.2-2303 of the Code of Virginia (1950), as amended, and the Loudoun County Zoning Ordinance, Bishop Paul S. Loverde, Successor in Office to John R. Keating, Most Rev. Bishop of the Catholic Diocese of Arlington, (hereinafter referred to as the "Owner"), the fee owner of the property known as Loudoun County Tax Map #81V, Parcel ((11)) I-1-B, as shown on the Certified Plat for Parcel I-1-B, as "Proposed Site Area Parcel I-1-B2 ±2.21 acres (±96,459 SF) Per Zoning Concept Plan Amendment 2000-0007" (the "Property") prepared by Bowers & Associates, Ltd., dated June 2000, which is incorporated herein by reference as Exhibit "A", on behalf of himself and his successors in interest, hereby voluntarily proffers that, in the event the Board of Supervisors of Loudoun County approves ZCPA 2000-0007 and the companion land development applications identified as ZCPA 2000-0006 and SPEX 2000-0024, then the development of the Property shall be in substantial conformance with the following conditions.

The following conditions supplement any previously agreed to conditions accepted as part of previous applications including ZMAP 86-13, ZMAP 86-13 Amended (Acted on by the Board of Supervisors on June 19, 1989, re/Chamberlin property), ZCPA 89-20 and ZMAP 1991-0005 (re/Town Center), and ZCPA 1992-0007 (re/Falcons Landing at Cascades). Conditions accepted as part of these previous applications (as amended) shall remain in full force and effect except as outlined herein and except that the development of the Assisted Living/Alzheimers Care and Adult Day Care Uses on the Property shall be developed in accordance with the uses and densities set forth herein.

**Falcons Landing Expansion of  
Assisted Living/Alzheimers and Adult Day Care Facility  
(ZCPA 2000-0007/SPEX 2000-0024)**

November 28, 2000

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**I. LAND USE**

A. The Property shall be developed as an Assisted Living/Alzheimers Care and Adult Day Care Center and shall be in substantial conformance with the portion of the ZCPA/SPEX Concept Development Plan as identified on the ZCPA Concept Plan prepared by Bowers & Associates, Ltd., dated June 2000, as revised November 28, 2000, (the "ZCPA Concept Plan"), which is incorporated herein by reference as Exhibit "B".

B. The development shall provide for the construction of an Assisted Living/Alzheimers Care facility with a maximum capacity of 52 beds. The size and configuration of the building and parking areas shall be as conceptually shown on the ZCPA Concept Plan. The exact footprint of the building shall be determined at site plan stage of development when final engineering and building architecture are available. In no event, however, shall the final building footprint exceed 0.4 FAR as permitted by this application. Underground parking may be provided; however, underground parking shall not be required if adequate surface parking can be provided to meet the requirements of Section 523 of the 1972 Zoning Ordinance.

C. Adult day care services may also be provided on the portion of the Property governed by the ZCPA Concept Plan.

**II. WATER AND SEWER**

A. The Property shall be served by public water and sewer systems in compliance with the Loudoun County Sanitation Authority's (LCSA) Statement of Policy, Rates, Rules and Regulations and Design Standards. All water and sewer extensions and connections to the Property shall be at no expense to Loudoun County or LCSA.

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**III. DESIGN GUIDELINES FOR THE ZCPA CONCEPT PLAN PORTION OF THE PROPERTY**

**A. ARCHITECTURE AND MATERIALS.**

1. Any building(s) constructed on the Property governed by the ZCPA Concept Plan shall match or closely resemble the architectural style and materials in existence at the existing Falcons Landing development that is located east of the Property. The buildings shall be faced in brick. The color of the brick shall match the existing brick of the Falcons Landing development. Synthetic stucco such as "Dry-vit" shall not be used.

2. All roof top mechanical units, such as but not limited to heating and cooling and vents, shall be screened from view at pedestrian and vehicular height on site and from surrounding public rights-of-way and private drives and access easements within the WestFalls Development.

3. Ground mounted mechanical units shall be screened by architectural screening.

**B. LIGHTING.**

1. No wall-pack lights shall be installed on any of the facades. Any wall-mounted lights shall be shielded to permit only downward light.

2. Parking lot and other site lighting fixtures shall be at a 90-degree angle.

3. Parking lot lights shall not exceed a maximum of 20 feet in height including any concrete bases.

4. There shall be no off-site glare at the property line by the lighting for this project.

5. The parking lot lighting shall be designed and constructed with cut off and fully shielded lighting fixtures so that the light will be directed inward and downward toward the interior of the property, away from Cascades Parkway and Algonkian Parkway in accordance with the following restrictions.

**Falcons Landing Expansion of  
Assisted Living/Alzheimers and Adult Day Care Facility  
(ZCPA 2000-0007/SPEX 2000-0024)**

November 28, 2000

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- (a) For all lighting placed on the exterior of the buildings, including security lighting, there shall be a maximum average illumination over the exterior of the building of 5 foot candles.
  - (b) For all parking lot lighting, there shall be a maximum average illumination over the parking lot of 2 foot candles.
6. All on-site lighting shall be white light.

**C. DUMPSTERS AND SERVICE.**

1. All dumpsters, recycling container, and other refuse related facilities and equipment shall be enclosed in a brick enclosure with solid wood or metal gates. The masonry facing shall match the material of the buildings. The enclosures shall be of a height to screen the equipment and refuse within.
2. All trash pick-up shall be limited to between 8 a.m. and 6:30 p.m. Monday – Friday and 9 a.m. and 5 p.m. Saturday and Sunday.
3. Service areas shall be located in a location and manner so that they are not visible from Algonkian Parkway.

**IV. LANDSCAPING/BUFFERING AND TREE SAVE AREAS.**

The Owner shall install fencing and landscaping as shown on Exhibit "B", concurrent with the development of the uses permitted to be developed in the ZCPA portion of the Property.

**V. SIDEWALKS/PEDESTRIAN TRAIL ON THE PROPERTY**

A. The Owner shall construct the on-site pedestrian trail system in the location generally shown on Exhibit "B". The pedestrian trail shall link the building(s) located on-site with the parking areas as well as the on-site building(s) to the existing sidewalks and trails located along the private street and Algonkian Parkway.

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**Falcons Landing Expansion of  
Assisted Living/Alzheimers and Adult Day Care Facility  
(ZCPA 2000-0007/SPEX 2000-0024)**

November 28, 2000

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B. The on-site pedestrian trail will be constructed by the Applicant concurrent with the development of the ZCPA portion of the Property.

C. All on-site pedestrian trails shall be maintained by the owner of the ZCPA portion of the Property.

D. The Owner shall also construct an off-site pedestrian trail east of the Property on which the Assisted Living/Alzheimers Care facilities are to be located to connect the site with the existing Falcons Landing development. This pedestrian trail shall provide access for residents of existing Falcons Landing to the expanded facilities planned to be located on the Property. This off-site trail shall be constructed concurrent with the development of the Property and shall be maintained by the Falcons Landing Subassociation of the Cascades Community Association.

#### **VI. FIRE AND RESCUE**

A. The Owner shall provide for full sprinkler protection in the assisted living/alzheimers care facility as required by BOCA and/or the Uniform Fire Prevention Code.

B. The Owner shall provide a one-time cash contribution in the amount of \$0.5 per gross square feet to Loudoun County at the time of issuance of the zoning permit for the construction of the assisted living/alzheimers care facility. This contribution shall be distributed in equal shares to the volunteer fire and rescue company servicing the Property. The contribution shall be adjusted annually in accordance with the Consumer Price Index beginning from a base year of 1988.

#### **VII. BINDING EFFECT**

The undersigned hereby warrant that all of the owners of a legal interest in the Property have signed this proffer statement, that all signatories have full authority to bind the Property to these conditions, and that the proffers are entered into voluntarily.

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Falcons Landing Expansion of  
Assisted Living/Alzheimers and Adult Day Care Facility  
(ZCPA 2000-0007/SPEX 2000-0024)

November 28, 2000

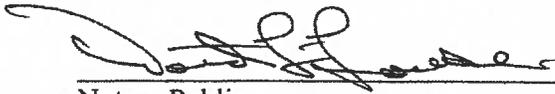
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Most Rev.  
~~Bishop~~ Paul S. Loverde, Successor in Office to John  
R. Keating, Most Rev. ~~Bishop~~ of the Catholic  
Diocese of Arlington

*Robert J. Rippe, Attorney in fact  
for most Rev. Paul S. Loverde*  
By: Rev. Robert J. Rippe, Chancellor, Catholic  
Its: Diocese of Arlington, Attorney in fact for  
Most Rev. Paul S. Loverde.

COMMONWEALTH OF VIRGINIA,  
COUNTY OF LOUDOUN, to wit:

The foregoing instrument was acknowledged before me this 1st day of  
December, 2000, by Rev. Robert J. Rippe, Chancellor, Catholic Diocese of  
Arlington, Attorney in fact on behalf of Bishop Paul S. Loverde, Successor in Office to  
John R. Keating, Most. Rev. Bishop of the Catholic Diocese of Arlington.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 11/30/01

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## Exhibit C

# Falcons Landing Expansion of Assisted Living/Alzheimers & Adult Dare Care Facilities *ZCPA 2000-0007 and SPEX 2000-0024*

### Zoning Modification

November 28, 2000

In order to implement the "Compromise Plan" as outlined in the Statement of Justification for ZCPA 2000-0007 and SPEX 2000-0024, dated June 23, 2000, it will be necessary to modify the requirements of the 1972 Zoning Ordinance (ZO) and Land Subdivision and Development Ordinance (LSDO) as follows:

**A. Private Streets to Serve Assisted Living/Alzheimers Care and Adult Day Care**

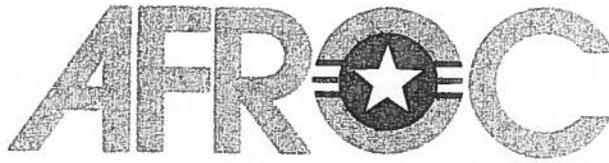
**Modify Section 702.3.3.1 of the 1972 Zoning Ordinance and Section 1245.01(2) of the LSDO to permit development of the neighborhood commercial center and Alzheimer's/Assisted Living uses on lots which access a private street. Specifically, Section 702.3.3.1 of the Zoning Ordinance requires that *"the arrangement, character, extent, width, grade, and location of all streets shall be designed and constructed in accordance with specifications acceptable to the Virginia Department of Highways and Transportation for inclusion into the State Highway System. Section 1245.01(2) of the LSDO requires that "except where otherwise specifically provided for in these regulations or in the Zoning Ordinance, all lots shall front on an existing or recorded public street dedicated by the subdivision plat and maintained or designed and built to be maintained by the Virginia Department of Transportation"*.**

Access to the lots that are proposed to be developed with commercial and institutional uses will be provided via the existing 70 foot wide private street as shown of SPEX/ZCPA Concept Development Plan (CDP), dated June 2000, as revised November 28, 2000. The private street was constructed to provide access to approximately 12 acres of commercial uses originally planned to be developed on the east side of the private street and church uses on the west side of the private street. The private street is a dead-end street and will not connect south to other parcels. The proposed Compromise Plan results in a reduction of the trips that would be generated by the original approved commercial and church development. Consequently, as constructed, the private street has adequate capacity to serve the uses proposed by the West Falls and Our Lady of Hope Catholic Church applications.

Section 514.1 of the Zoning Ordinance does provide for lots to have direct access to Class III roads which are defined as *"public roads on a 50-foot right-of-way which are*

*created after the date of passage of this ordinance and which provide easement for public access". As indicated above and on the CDP, the existing private street has a 70-foot right-of-way and is located in a public ingress/egress easement.*

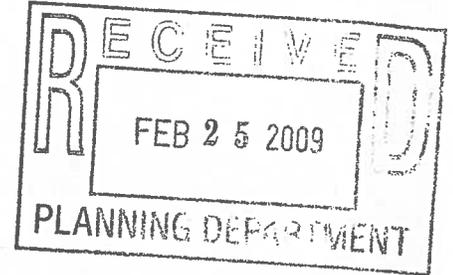
Therefore, although the private street that is planned to serve the West Falls lots is not a public roadway or a roadway that has been constructed to VDOT design standards, it has been constructed to standards which exceed the requirements for Class III roads and it does have adequate capacity to safely serve the traffic generated by the proposed uses.



Air Force Retired Officers Community

25 February 2009

Department of Building and Development  
1 Harrison Street, S.E.  
Leesburg, VA 20177-7000



Dear Sirs:

Listed below is an information letter discussing the impact on traffic of the Air Force Retired Officers Community's Zoning Concept Plan Amendment:

#### DESCRIPTION OF PROPOSED LAND USE CHANGE:

The proposed ZCPA would remove a proffer requirement to construct an off-site pedestrian trail (Proffer V.D.) (ZCPA 2000-007/Spex 2000-0024). The proffered pedestrian trail would connect an existing trail that runs behind the West Falls Assisted Living Facility with Morningside Terrace.

#### ADJACENT ROAD NETWORK:

Morningside Terrace is the only street that would be impacted by the ZCPA. Morningside Terrace is a 3/10 mile long circular private access easement that connects to Potomac View. There is a stop sign for Morningside Terrace traffic where the street intersects Potomac View.

#### EXISTING TRIP GENERATION

Due to the location of the proposed pedestrian trail, vehicle traffic past the point where the proposed trail connects to Morningside Terrace is limited to 21 townhouse residents in one corner of the townhouse community. The estimated maximum traffic past this point is 168 vehicles per 24 hour period. The proposed ZCPA will not increase vehicle trip generation.

#### SAFETY ISSUES

Removal of the proffer requirement to construct the off-site pedestrian trail will not create any safety issues.

  
Hardy M. Lister  
Chief Financial Officer

#### ATTACHMENT 4

I, HARDY M. LISTER, do hereby state that I am an

Applicant

Applicant's Authorized Agent listed in Section C.1. below

in Application Number(s): ZCPA 2009-0001

and that to the best of my knowledge and belief, the following information is true:

**C. DISCLOSURES: REAL PARTIES IN INTEREST AND LAND USE PROCEEDINGS**

**1. REAL PARTIES IN INTEREST**

The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS** and **LESSEES** of the land described in the application\* and if any of the forgoing is a **TRUSTEE\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS**, and **REAL ESTATE BROKERS**, and all AGENTS of any of the foregoing.

All relationships to the persons or entities listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together (ex. Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc.) For a multiple parcel application, list the Parcel Identification Number (PIN) of the parcel(s) for each owner(s).

<i>PIN</i>	<i>NAME (First, M.I., Last)</i>	<i>ADDRESS (Street, City, State, Zip Code)</i>	<i>RELATIONSHIP (Listed in bold above)</i>
	<b>AIR FORCE RETIRED</b>	<b>20522 FALCONS LANDING</b>	<b>OWNER</b>
	<b>OFFICERS COMMUNITY-</b>	<b>CIRCLE</b>	
	<b>WASHINGTON, D.C</b>	<b>STERLING, VA 20165</b>	

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* In the case of a TRUSTEE, list Name of Trustee, name of Trust, if applicable, and name of each beneficiary.

Check if applicable:

There are additional Real Parties in Interest. See Attachment to Paragraph C-1.

**2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)**

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

**Name and Address of Corporation:** (complete name, street address, city, state, zip code)

*AIR FORCE RETIRED OFFICERS COMMUNITY - WASHINGTON D.C.  
20522 FALCONS LANDING CIRCLE STERLING, VA 20165*

**Description of Corporation:**

- There are 100 or fewer shareholders and all shareholders are listed below.  
(NON-STOCK CORPORATION - Officers and Directors are listed Below)*
- There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.*
- There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.*
- There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

**Names of Shareholders:**

<i>SHAREHOLDER NAME (First, M.I., Last)</i>	<i>SHAREHOLDER NAME (First, M.I., Last)</i>

**Names of Officers and Directors:**

<i>NAME (First, M.I., Last)</i>	<i>Title (e.g. President, Treasurer)</i>
<i>LIST IS ATTACHED</i>	

Check if applicable:

There is additional Corporation Information. See Attachment to Paragraph C-2.

**3. PARTNERSHIP INFORMATION**

The following constitutes a listing of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in the affidavit.

**Partnership name and address:** (complete name, street address, city, state, zip)

\_\_\_\_\_

\_\_\_\_\_ (check if applicable) The above-listed partnership has no limited partners.

**Names and titles of the Partners:**

<i>NAME</i> <i>(First, M.I., Last)</i>	<i>Title</i> <i>(e.g. General Partner, Limited Partner, etc)</i>

Check if applicable:

\_\_\_\_\_ Additional Partnership information attached. See Attachment to Paragraph C-3.

**4. ADDITIONAL INFORMATION**

a. One of the following options **must** be checked:

In addition to the names listed in paragraphs C. 1, 2, and 3 above, the following is a listing of any and all other individuals who own in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

Other than the names listed in C. 1, 2 and 3 above, no individual owns in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

Check if applicable:

Additional information attached. *See Attachment to Paragraph C-4(a).*

b. That no member of the Loudoun County Board of Supervisors, Planning Commission, Board of Zoning Appeals or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land, or as beneficiary of a trust owning such land.

**EXCEPT AS FOLLOWS: (If none, so state).**

Check if applicable:

Additional information attached. *See Attachment to Paragraph C-4(b).*

c. That within the twelve-month period prior to the public hearing for this application, no member of the Loudoun County Board of Supervisors, Board of Zoning Appeals, or Planning Commission or any member of his immediate household, either individually, or by way of partnership in which any of them is a partner, employee, agent or attorney, or through a partner of any of them, or through a corporation (as defined in the Instructions at Paragraph B.3) in which any of them is an officer, director, employee, agent or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has or has had any business or financial relationship (other than any ordinary customer or depositor relationship with a retail establishment, public utility, or bank), including receipt of any gift or donation having a value of \$100 or more, singularly or in the aggregate, with or from any of those persons or entities listed above.

**EXCEPT AS FOLLOWS: (If none, so state).**

*NONE*

Check if applicable:

Additional information attached. *See Attachment to Paragraph C-4(c).*

**D. COMPLETENESS**

That the information contained in this affidavit is complete, that all partnerships, corporations (as defined in Instructions, Paragraph B.3), and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, OR LESSEE of the land have been listed and broken down, and that prior to each hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including any gifts or business or financial relationships of the type described in Section C above, that arise or occur on or after the date of this Application.

WITNESS the following signature:



check one:  Applicant or [ ] Applicant's Authorized Agent

HARDY M. LISTER CFO

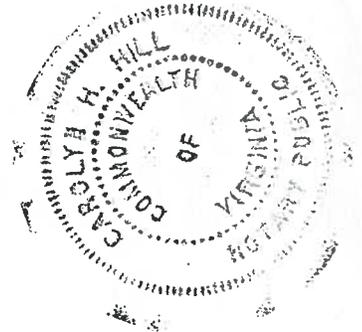
(Type or print first name, middle initial and last name and title of signee)

Subscribed and sworn before me this 3rd day of September 2009, in the State/Commonwealth of VIRGINIA, in the County/City of LOUDOUN.

Carolyn H. Hill  
Notary Public

My Commission Expires: 4/30/2012

Notary Registration Number: 153868



**AIR FORCE RETIRED OFFICERS COMMUNITY –  
WASHINGTON, D.C.  
NAMES OF OFFICERS AND DIRECTORS**

<u>NAME</u>	<u>TITLE</u>
Hansford T. Johnson	Chairman
George (Peach) Taylor, Jr.	Vice Chairman
Elizabeth Ann Harrell	
Andrew M. Egeland, Jr.	
William G. Timme	
Barbara Goodwin	
Patrick A. Burns	
James M. Owendoff	
Kathleen Campbell	Secretary
Regis Canny	
Glenn R. Zauber	Treasurer
Jamie Manker	
Barbara Brannon	President
Hardy Lister	Chief Financial Officer

**FALCONS LANDING  
REMOVAL OF A PROFFER REQUIREMENT TO CONSTRUCT AN OFF-SITE  
PEDESTRIAN TRAIL (ZCPA 2009-0001)**

**ZONING CONCEPT AMENDMENT APPLICATION**

**STATEMENT OF JUSTIFICATION**

July 30, 2009



**I. INTRODUCTION**

The Air Force Retired Officers Community – Washington, D.C. (the “Applicant”) is the owner of Falcons Landing, a retirement community located at the intersection of Algonkian Parkway and Potomac View (MCPI Number 011-47-2338-000 / Election District Sugarland Run). In 2006, the Applicant opened an Assisted Living facility (West Falls) on a site adjacent to Falcons Landing. The Proffer Statement for the new facility contained a requirement to construct an off-site pedestrian trail to connect the facility to the existing Falcons Landing campus. The Applicant seeks approval of a Zoning Concept Plan Amendment (“ZCPA”) to remove the requirement for the off-site pedestrian trail.

**II. LOCATION AND EXISTING APPROVALS**

The Applicant purchased 2.1 acres adjacent to Falcons Landing in 2000 for the purpose of building West Falls. Construction began in 2004, and West Falls opened in May 2006. Zoning for the site was accomplished with ZPCA 2000-0007/SPEX 2000-0024 dated November 28, 2000.

**III. PROPOSAL**

The Applicant seeks approval of a Zoning Concept Plan Amendment (“ZCPA”) to remove the requirement for the off-site pedestrian trail in ZPCA 2000-0007/SPEX 2000-0024). There is an existing pedestrian trail connecting West Falls to Falcons Landing. The purpose of the second trail was to create a shorter path for Falcons Landing residents who wished to visit West Falls. However, Falcons residents have indicated that they do not need and would not use the trail. Due to the Falcons resident resistance and the cost involved, the trail was never built. The proposed trail would not provide a significant community benefit. It would be located in a remote corner of a townhouse community and would not connect to any existing pedestrian trails within the townhouse complex. The only commercial facilities that it would provide access to are an automotive store, gas station and commercial cleaner, destinations normally reached by auto. In an informal survey of townhouse residents in the vicinity of the proposed trail, 75% indicated they would be opposed to a pedestrian trail. The Cascades Community Association, the owner of the townhouse community, also supports this request.

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**IV. PROFFERS**

The proposed revision to Sheet 2 of the ZCPA will require a minor revision to the Proffer Statement approved with ZCPA 2000-0007/SPEX 2000-0024 to remove Paragraph VD.

**V. CONCLUSION**

The Applicant believes that the ZCPA to eliminate the requirement for the off-site trail will have no adverse impact on the surrounding community and respectfully requests favorable consideration of the Application by the Staff, the Planning Commission and the Board of Supervisors.

**ZONING CONCEPT PLAN AMENDMENT ISSUES FOR CONSIDERATION:  
Revised 1993 Zoning Ordinance Section 6-1211(E)**

- (1) *Whether the proposed zoning district classification is consistent with the Comprehensive Plan.*

The proposed minor modification to ZPCA 2000-0007 is consistent with the Comprehensive Plan.

- (2) *Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate.*

The requested modification is associated with ZPCA 2000-0007, which was approved by the Board of Supervisors in November 2000.

- (3) *Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.*

The Applicant does not seek to rezone the Property. The Board of Supervisors found that ZPCA 2000-0007 was compatible with surrounding uses and this application does not seek to revise the uses approved for the Property.

- (4) *Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.*

Not applicable for this ZCPA application.

- (5) *The effect of the proposed rezoning on the County's ground water supply.*

The Applicant does not anticipate any effect to the County's ground water supply from the minor modification to ZCPA 2000-0007.

- (6) *The effect of uses allowed by the proposed rezoning on the structural capacity of the soils.*

Not applicable for this ZCPA application.

- (7) *The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.*

The Applicant does not anticipate that traffic volumes or safety in the vicinity of the Property would be affected by the proposed minor ZCPA. The removal of the trail from the proffers and the CDP will not have an adverse impact on pedestrian connectivity as there are other sidewalks and means of transportation in the vicinity between Falcons Landing and West Falls. There was a scheduled shuttle service

between Falcons Landing and the West Falls Assisted Living Facility. However, it was discontinued due to non-use. Falcons Landing drivers, activity aides and security personnel provide transportation between the two sites when requested. Other pedestrians use existing sidewalks on Potomac View and Algonkin Parkway to transit the area.

- (8) *Whether a reasonably viable economic use of the subject property exists under the current zoning.*

The Applicant does not seek a rezoning of the Property.

- (9) *The effect of the proposed rezoning on the environment or natural features, wildlife habitat, vegetation, water quality and air quality.*

The Applicant does not anticipate negative effects to the environment or natural features, wildlife habitat, vegetation, water quality and air quality from the proposed ZCPA.

- (10) *Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.*

Not applicable for this ZCPA application

- (11) *Whether the proposed rezoning considers the needs of agriculture, industry, and businesses in future growth.*

Not applicable for this ZCPA application

- (12) *Whether the proposed rezoning considers the current and future requirements of the community as to land for various purposes as determined by population and economic studies.*

Not applicable for this ZCPA application

- (13) *Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County.*

Not applicable for this ZCPA application

- (14) *Whether the proposed rezoning considers trends of growth of changes, employment, and economic factors, the need for housing, probable future economic and population growth of the county and the capacity of existing and/or planned public facilities and infrastructure.*

Not applicable for this ZCPA application

- (15) *The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County.*

Not applicable for this ZCPA application

- (16) *The effect of the rezoning on natural, scenic, archaeological, or historic features of significant importance.*

Not applicable for this ZCPA application



July 30, 2009

Department of Building and Development  
1 Harrison Street, S.E.  
Leesburg, VA 20177-7000



Subject: Response to Departmental Memos on Zoning Concept Plan Amendment Application

Dear Ms. McCarter:

Listed below are answers to the questions and comments listed on the Memos from Community Planning, Transportation Planning and Zoning Administration

#### COMMUNITY PLANNING

No comments required

#### TRANSPORTATION PLANNING

2. The existing trail network and sidewalks are shown in a map titled Falcons Landing ZCPA 2009-0001 CONCEPT DEVELOPMENT PLAN on Sheet 2 of the submitted CDP. A legend has been added for the trail network and sidewalks. The same map shows the fenced/secured area for the West Falls Assisted Living Facility. The fence around Falcons Landing has been added to the map.
3. There is no regularly scheduled bus or shuttle service between Falcons Landing and West Falls. We did establish one, but only one or two residents used it a day, so we cancelled it. Instead, our drivers, activity aides and security personnel provide transportation when requested.

#### A. ZONING ADMINISTRATION

1. We have listed PIN 011-37-3579 and PIN 011-48-2317 on the CDP
2. Minor floodplain regulations are now noted on the CDP
3. Steep slopes are now noted on the CDP

#### B. CONCEPT DEVELOPMENT PLAN ISSUES

1. Title of the Application has been amended on the CDP and Statement of Justification
2. Legend has been added to Sheet 2
3. Note has been added

C. ISSUES FOR CONSIDERATION SECTION 6-1211(E)

1. Additional justification has been added to Item #7 in the Statement of Justification

D. PROFFERS

3. Ownership signature on page 1 of the CDP has been notarized

If you have any questions or need additional information, please call me at (703) 404-5145.

Sincerely,



Hardy M. Lister  
Chief Financial Officer

**FALCONS LANDING  
ZCPA 2009-0001**

**PROFFER STATEMENT**

**July 30, 2009**

Pursuant to Section 15.2-2303, Code of Virginia (1950), as amended, and Section 6-1209 of the Loudoun County Zoning Ordinance (1993), as amended (the "Zoning Ordinance"), the Air Force Retired Officers Community – Washington D.C., the owner of the property identified as PIN: 011-47-2338-000 Loudoun County Tax Map Number /81V11//I1B2/, (the "Owner"), on behalf of itself and its successors in interest, hereby voluntarily proffers that the Expansion of Assisted living/Alzheimers Care & Adult Day Care Facilities shall remain subject to the proffers, concept development plan and zoning ordinance modifications approved for ZCPA 2000-0007/SPEX 2000-0024, with the exception of Proffer VD relating to the construction of an off-site pedestrian trail.

All proffers made herein are contingent upon approval of (i) ZCPA 2009-0001 and (ii) the ZCPA Plans.

**I. CONCEPT DEVELOPMENT PLAN**

Proffer VD of ZCPA 2000-0007/SPEX 2000-0024 states, "The Owner shall also construct an off-site pedestrian trail east of the Property on which the Assisted Living/Alzheimer's Care Facilities are to be located to connect the site with the existing Flacons Landing development. This pedestrian trail shall provide access for residents of existing Falcons Landing to the expanded facilities planned to be located on the Property. This off-site trail shall be constructed concurrent with the development of the Property and shall be maintained by the Falcons Landing Sub-association of the Cascades Community Association." This proffer is removed. All other proffers listed in ZCPA 2000-0007/SPEX 2000-0024 will remain in effect.

The development of the ZCPA Property shall be in substantial conformity with the ZCPA Plans.

Owner and Applicant

**AIR FORCE RETIRED OFFICERS**

**COMMUNITY – WASHINGTON, D.C.**

By: \_\_\_\_\_(SEAL)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF \_\_\_\_\_ )

) to-wit:

COUNTY/CITY OF \_\_\_\_\_ )

The foregoing Proffer Statement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by \_\_\_\_\_, as Chief Financial Officer of Air Force Retired Officers Community – Washington, D.C.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_



**Loudoun County, Virginia**  
**Proffer and/or Special Exception Conditions Release Certification**

Mr. Terrance Wharton, Director  
Loudoun County Building & Development  
1 Harrison Street, S.E.  
P.O. Box 7000  
Leesburg, VA 20177-7000

Name of Applicant(s): Air Force Retired Officers Community - Washington D.C.

Address: 20522 Falcons Landing Circle  
Starling, VA 20165

Contact: HARDY LISTER

Phone Number/Email Address: (703) 404-5145 HLISTER@FALCONS.LANDING.ORG

Owner/Lessee: Air Force Retired Officers Community - Washington D.C.

Project Name: West Falls Assisted Living Facility at Falcons Landing

Bond Number: 1758

Application Number: STPL 2001-0111

Application Approval Date: 16 AUG 2004

Is this application subject proffers or special exception conditions? Yes  No   
If yes, please complete page 2.

Please list all proffers and/or conditions that are fulfilled by the bonded application

Proffer and/or Special Exception Condition Number	Describe how proffer and/or condition was fulfilled	Are subject proffers or special exception conditions clearly depicted and correct as shown on the as-built plans?		Have proffers or special exception conditions been field inspected by owner or owner's representative		Have proffer or special exception conditions been confirmed in the field by owner or owner's representative	
		Yes	No	Yes	No	Yes	No
I.A.	The condition was fulfilled by developing an Assisted Living Facility in substantial conformance with the portion of the ZCPA/SPEX Concept Development Plan as identified on the ZCPA Concept Plan prepared by Bowers & Associates, Ltd., dated June 2000, as revised November 28, 2000, (the "ZCPA Concept Plan").	X		X		X	
I.B.	The condition was fulfilled by the construction of an Assisted Living Facility with 44 beds. The size and configuration of the building and parking areas were as conceptually shown on the ZCPA Concept Plan. The exact footprint of the building was determined at the site planning stage of development when the final engineering and building architecture was available. The final building footprint did not exceed 0.4 FAR as permitted by the zoning application. Underground parking was provided.	X		X		X	
I.C.	Adult day care services have been considered on the portion of the Property governed by the ZCPA Concept Plan but have not been provided.	X		X		X	
II.A.	The Property is served by public water and sewer systems in compliance with the Loudoun County Sanitation Authority's (LCSA) Statement of Policy, Rates, Rules and Regulations and Design Standards. All water and sewer extensions and connections to the Property are at no expense to Loudoun County or LCSA.	X		X		X	
III.A.1.	The building constructed on the Property governed by the ZCPA Concept Plan closely resembles the architectural style and materials in existence at Falcons Landing. The building is faced in brick, and the color of the brick matches the brick of the Falcons Landing Development. Synthetic stucco was not used.	X		X		X	
III.A.2.	All roof top mechanical units are screened from view at pedestrian and vehicular height on site and from the surrounding public rights-of-way and private drives and access easements within the West Falls Development.	X		X		X	

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Please list all proffers and/or conditions that are fulfilled by the bonded application

Proffer and/or Special Exception Condition Number	Describe how proffer and/or condition was fulfilled	Are subject proffers or special exception conditions clearly depicted and correct as shown on the as-built plans?		Have proffers or special exception conditions been field inspected by owner or owner's representative		Have proffer or special exception conditions been confirmed in the field by owner or owner's representative	
		Yes	No	Yes	No	Yes	No
III.A.3.	The ground mounted mechanical units are screened by architectural screening.	X		X		X	
B.1.	No wall-pack lights were installed on any of the facades, and wall-mounted lights are shielded to permit only downward light.	X		X		X	
B.2.	Parking lot and other site lighting fixtures are at a 90-degree angle.	X		X		X	
B.3.	Parking lot lights do not exceed a maximum of 20 feet in height including the concrete bases.	X		X		X	
B.4.	There is no off-site glare at the property line by the West Falls Development lighting.	X		X		X	
B.5.(a)	The parking lot lighting was designed and constructed with cut off and fully shielded lighting fixtures so that the light is directed inward and downward toward the interior of the property, away from Cascades Parkway and Algonkian Parkway. All lighting placed on the exterior of the building, including security lighting, has a maximum average illumination over the exterior of the building of 5 foot candles.	X		X		X	
B.5.(b)	The parking lot lighting was designed and constructed with cut off and fully shielded lighting fixtures so that the light is directed inward and downward toward the interior of the property, away from Cascades Parkway and Algonkian Parkway. All parking lot lighting has a maximum average illumination over the parking lot of 2 foot candles.	X		X		X	
B.6.	All on-site lighting has white light.	X		X		X	
III.C.1.	All dumpsters, recycling containers, and other refuse related facilities and equipment are enclosed in a brick enclosure with solid wood gates. The masonry facing matches the material of the building. The enclosure is of a height to screen the equipment and refuse within.	X		X		X	

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Please list all proffers and/or conditions that are fulfilled by the bonded application

Proffer and/or Special Exception Condition Number	Describe how proffer and/or condition was fulfilled	Are subject proffers or special exception conditions clearly depicted and correct as shown on the as-built plans?		Have proffers or special exception conditions been inspected by owner or owner's representative		Have proffer or special exception conditions been confirmed in the field by owner or owner's representative	
		Yes	No	Yes	No	Yes	No
III.C.2.	Trask pick-up is limited to between 8 AM and 6:30 PM Monday through Friday. There is no trash pickup on Saturday or Sunday.	X		X		X	
III.C.3.	Service areas are located where they are not visible from Algonkian Parkway.	X		X		X	
IV.	The installed fencing and landscaping are consistent with the ZCPA Concept Plan	X		X		X	
V.A.	The installed on-site pedestrian trail is in the location shown in the ZCPA Concept Plan. The pedestrian trail links the building with the parking area and the existing sidewalk and trail located along the private street and Algonkian Parkway.	X	<del>X</del>	X	<del>X</del>	X	<del>X</del>
V.B.	The on-site trail was constructed during the development of the ZCPA portion of the Property.	X		X		X	
V.C.	The on-site pedestrian trail is maintained by AFROC.	X		X		X	
V.D.	AFROC has not constructed an off-site pedestrian trail east of the Property to connect the site with the existing Falcons Landing development. AFROC has applied for a ZCPA amendment to eliminate this proffer requirement.	X	X	X	X	X	X
V.I.A.	AFROC provides for full sprinkler protection in the West Falls facility as required by BOCA and/or the Uniform Fire Protection Code.	X		X		X	
V.I.B.	AFROC provided a one-time cash contribution in the amount of \$0.5 per gross square feet to Loudoun County when the zoning permit for the construction of the West Falls facility was issued.	X		X		X	

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STATE OF VIRGINIA  
COUNTY OF LOUDOUN, TO WIT:

AIR FORCE RETIRED OFFICERS Community - Washington D.C.

I, \_\_\_\_\_, being duly sworn, depose and say that I am Owner/Lessee of the property involved in this Proffer and/or Special Exception Condition Release Certification. Furthermore, I do hereby certify, to the best of my knowledge, that all proffers and/or special exception conditions for this project are satisfied and complete, as per Loudoun County FSM 8.102.A.10.

If subject proffers and/or special exception conditions are found in the future to be incomplete, then said proffers and/or special exception conditions shall be deemed unsatisfied at that time. In this case, I hereby agree to perform any necessary work to satisfy these obligations as directed by Loudoun County.

Signature of Owner / Date:

[Signature] / 3 SEPT 09  
HARDY M. LISTER

Mailing Address:

20522 Falcons Landing Circle  
Sterling, VA 20165

Phone #:

(703) 404-5145

STATE OF VIRGINIA  
COUNTY OF LOUDOUN, TO WIT:

I, the undersigned, a Notary Public of and for the County and State aforesaid, whose commission expires the 30 day of April 2012, do hereby certify that HARDY M. LISTER whose name is signed to the foregoing Proffer and/or Special Exception Conditions Release Certification, this day acknowledged the same before me in my County aforesaid.

Given under my hand and seal this 3rd day of September, 2009

[Signature]  
Notary Public

My Commission Expires: 4/30/2012



REVIEWED/APPROVED BY:

Melinda M. Artman, Loudoun County Zoning Administrator

Att